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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM PIERCE PLUMMER,

Petitioner - Appellant,

v.

W. J. SULLIVAN,

Respondent - Appellee.

No. 07-16085

D.C. No. CV-07-00467-OWW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted April 13, 2009^{**}

Before: GRABER, GOULD, and BEA, Circuit Judges.

California state prisoner William Pierce Plummer appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2254 petition. We have

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Plummer contends that his prison disciplinary proceedings, which resulted in the forfeiture of good-time credits, violated his due process rights. This contention lacks merit. *See Superintendent v. Hill*, 472 U.S. 445, 455-56 (1985); *see also Wolff v. McDonnell*, 418 U.S. 539, 566-69 (1974).

Plummer also contends that prison authorities violated his equal protection rights by forfeiting his good-time credits and miscalculating his earliest possible release date based on racial discrimination. We reject this contention because Plummer has not alleged any facts to support it. *See Bostic v. Carlson*, 884 F.2d 1267, 1271 (9th Cir. 1989).

To the extent that Plummer contends that his disciplinary proceedings violated *Apprendi v. New Jersey*, 530 U.S. 466 (2000), the contention lacks merit. *See id.* at 490.

Plummer's contentions that his disciplinary proceedings violated California law are not reviewable in federal habeas proceedings. *See Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997).

We construe Plummer's briefing of uncertified issues as a motion to reconsider our prior denial of a certificate of appealability, and we deny the

motion. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

Finally, we deny all pending motions.

AFFIRMED.